

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY S D.C.
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MURRAY GUARD, INC.,)
)
Plaintiff,)
)
v.)
)
PREFERRED BENEFITS, INC.,)
DAVID R. VANDERSLICE (Individually),)
EMPLOYERS ONE SOURCE, INC.,)
LESLIE E. SMITH (Individually), and)
L.S.& ASSOCIATES INS.)
CONSULTANTS, INC.,)
)
Defendants.)

CIVIL ACTION NO. 1:05 1049-1 JAN, JACKSON

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TENN, JACKSON

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

(1) INITIAL DISCLOSURES RULE 26(a)(1):

The parties will exchange by September 16, 2005, the information required by Fed. R. Civ. P. 26(a)(1).

(2) JOINING PARTIES:

for Plaintiff: No later than November 15, 2005
for Defendants: No later than December 1, 2005

(3) AMENDING PLEADINGS:

for Plaintiff: No later than January 16, 2006
for Defendants: No later than February 1, 2006

(4) COMPLETING ALL DISCOVERY: The parties jointly propose to the Court the following discovery plan:

(A) REQUESTS FOR PRODUCTION, INTERROGATORIES, and REQUESTS FOR ADMISSIONS: The foregoing requests for written discovery shall be commenced in time to be completed by October 31, 2005. Interrogatories submitted will be limited to 45 in number. Responses to interrogatories, requests for admissions and for production of documents to be due within 30 days after service thereof.

(B) DEPOSITIONS. There will be a maximum of seven (7) depositions by Plaintiff and

seven (7) by Defendants. All depositions to be scheduled so as to permit completion thereof no later than December 31, 2005.

(C) EXPERT DISCLOSURE Rule 26(a)(2):

- (i) Plaintiff's Experts: Identity and reports from retained experts due no later than January 15, 2006.
- (ii) Defendant's Experts: Identity and reports from retained experts due no later than February 15, 2006.
- (iii) Supplementation under Rule 26(e): Due no later than March 1, 2006.

(D) DEPOSITIONS OF EXPERTS: To be scheduled so that completion thereof will take place no later than March 31, 2006.

(5) FILING DISPOSITIVE MOTIONS: Any dispositive motions to be filed by Plaintiff or Defendants shall be filed no later than April 17, 2006.

(6) FINAL LISTS OF WITNESSES AND EXHIBITS Rule 26(a)(3):

- (A) For Plaintiff: No later than June 2, 2006
- (B) For Defendants: No later than June 16, 2006

Parties shall have fifteen (15) days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last two (2) days and is **SET for NON-JURY TRIAL** on July 17, 2006 at **9:30 A.M.** A joint pretrial order is due on or prior to July 7, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60 shall be accompanied by a proposed Order and a Certificate of Consultation.


The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE
Date: August 26, 2005

APPROVED BY:

BREWER, KRAUSE, BROOKS, CHASTAIN & BURROW

By: S/ Gary A. Brewer
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By: S/ Mason W. Wilson
MASON W. WILSON, Attorney for Employers One
Source, Inc. and Leslie E. Smith

SPRAGINS, BARNETT, COBB & BUTLER, PLC

By: S/ Larry A. Butler
LARRY A. BUTLER, Attorney for Plaintiff,
Murray Guard, Inc.



Notice of Distribution

This notice confirms a copy of the document docketed as number 15 in case 1:05-CV-01049 was distributed by fax, mail, or direct printing on August 29, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT